



New Jersey Judiciary Superior Court Of Jersey, Appellate Division

Motions Generally

1. Motions are generally considered on the motion papers, without oral argument. If oral argument is desired, it should be requested in the notice of motion. However, the court very rarely permits oral argument on motions.
2. When filing a motion, you should fulfill the following requirements:
 - (a) A notice of motion setting forth the specific relief which you are seeking from the court.
 - (b) A supporting brief in which you outline the case for the court and present your reasons for seeking the relief contained in the motion. The Court Rules require that each motion be supported by a brief of not more than 25 pages. You may not be able to fully address the merits of your motion if you substitute a certification or affidavit in place of the motion brief.
 - (c) A proof of service indicating that you served a copy of the motion on each adversary.
 - (d) File an original and four copies of the motion with the Clerk's office.
 - (e) The complete caption, as it appears in the action below, should be reflected on each document.
 - (f) Date and sign each document.
3. You must serve your adversary when filing a motion. Generally, the Clerk's office will not submit a motion to the court if there is no affidavit or certification of service accompanying the motion papers, or received shortly thereafter.
4. When a motion is made for an extension of time to file a brief, the motion should state the date by which the brief can be filed. The moving party should begin the preparation of the brief, so that if the motion is denied, the requested date modified, or the motion is granted with little time left, the brief will be available for filing.
5. You may request one extension of up to 30 days without a motion, provided your adversary does not object. In that case, you need only send a letter stating your reason for the request and representing that your adversary does not object. A copy should be sent to your adversary.
6. If there are no deficiencies, a motion will generally be decided within four weeks. If the relief sought is of an urgent nature, the moving party might consider making an emergent application to the Appellate Division. The individual should contact the Clerk's office to find out the Appellate Division judge on emergent duty for the county where the trial court or agency is located. The party seeking relief should be prepared to explain why the matter is considered emergent. If the relief sought is a stay of a judgment, order or decision pending appeal, the moving party should first move for relief from the trial court or agency and if it is denied, renew the application to the Appellate Division.
7. The Court Rules provide for a motion for summary disposition of the appeal. Any party to the appeal may make such a motion at any time after the filing of the notice of appeal, but not later than 25 days after the filing of respondent's brief unless leave is otherwise granted. Such a motion should demonstrate that the issues on appeal do not require further briefs or a full record.

Notice of Motion Form

Should you need to file a motion, we suggest that you use this as a guide in completing the notice of motion form. Enclosed is a copy of the form with each section numbered. That number corresponds with the number under the following instructions for filling out that specific form. Please print or type the information on the form which is enclosed.

1. Enter your name, address and daytime telephone number. Indicate whether you are the appellant or respondent.
2. Enter the Appellate Division Docket Number of the appeal. If you are filing the motion simultaneously with your Notice of Appeal, or if you are filing a Motion for Leave to Appeal, you will not yet have an Appellate Division Docket Number. In that event, leave the line blank, and in the space below enter the number assigned the case by the trial court or agency from which you are appealing.
3. Enter the caption or title of the case exactly as it appeared on the papers from the trial court or agency from which you are appealing.
4. Enter the specific relief your are requesting, in just a few words, such as "STAY PENDING APPEAL".
5. Enter the name and address of the other party's attorney or, if more than one other party, the names and addresses of all the attorneys. If a party is not represented by an attorney, list the party's name and address.
6. Enter the specific relief you are requesting, such as "staying the trial court judgment of May 28, 1995 pending disposition of the appeal."
7. Pursuant to *Court Rule 2:8-1*, every motion shall be supported by a brief. The brief should set forth the nature of the action, the relevant facts, and the legal arguments and reasons why the relief you are requesting should be granted.
8. Enter the date on the line.
9. Sign (do **not** print or type) your name on the line.
10. Type or print your name on the line.
11. Repeat the same information here that you provided in 5, above.
12. Enter the date on the line.
13. Sign (do **not** print or type) your name on the line.
14. Type or print your name on the line.

Superior Court of New Jersey

Appellate Division

Docket No. **(2)** _____

(1) _____

(3) _____

v.

To: **(5)** _____

Notice of Motion for

(4) _____

PLEASE TAKE NOTICE that the undersigned hereby moves before the Superior Court of New Jersey, Appellate Division, for an Order

(6) _____

In support of this motion, I shall rely on the accompanying brief. **(7)**

(8) _____

(Date)

(9) _____

(Signature)

(10) _____

I hereby certify that I am mailing or delivering the original and four copies of this notice of motion and accompanying brief to the Clerk of the Appellate Division and mailing or delivering two copies of the same to the following:

(11) _____

(12) _____

(Date)

(13) _____

(Signature)

(14) _____